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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

10 Cr. 324 (RMB)

FRANCISCO PERALTA,

Defendant.

New York, N.Y.
July 15, 2015
9:45 a.m.

Before:

HON. RICHARD M. BERMAN

District Judge

APPEARANCES

PREET BHARARA

United States Attorney for the
Southern District of New York

BY: AMANDA HOULE

REBEKAH DONALESKI

Assistant United States Attorneys

JOSH LEVINE

ANAR PATEL

Attorneys for Defendant

ALSO PRESENT: JEFF STEIMEL, U.S.P.O. SDNY

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(Case called)

(In open court)

THE COURT: Please be seated. So this is a matter where supervision I think is actually terminated, concluded, and I wasn't clear from the submissions exactly where things stand with respect to restitution going forward, so I just thought I would hear from all of you on that.

MS. HOULE: Thank you, your Honor. Amanda Houle and Rebekah Donaleski for the government. We are joined at counsel table by officer Jeffrey Steimel.

It is my understanding, your Honor, that probation believes that the term of supervised release has expired and has no objection to that, but that Mr. Peralta has an outstanding balance of his restitution in the amount of \$194,536.36, and the expectation is that Mr. Peralta will continue making payments as to that balance.

THE COURT: Right, I know all that. So what about the Financial Litigation Unit? Has there been a meeting? An acceptance discussed? Has there been a resolution? That's usually what needs to happen by the government at this stage. Has that occurred?

MR. STEIMEL: Good morning, your Honor. Jeff Steimel from federal probation. I have been in contact with the Financial Litigation Unit. They actually asked me to notify

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1 your Honor of the status, the fact that there was a balloon
2 payment outstanding of that substantial sum.

3 THE COURT: I am aware of all of that. I just want to
4 know what you have done about it, that's all.

5 MR. STEIMEL: They actually just directed us to notify
6 your Honor of that balance.

7 THE COURT: No, that's not the way it works. I mean I
8 don't collect restitution. Do you know what I mean? So, at
9 the end of every period of supervision, if there is a similar
10 situation, it's up to you all, the government, to make sure
11 that in this case Mr. Peralta has met with the Financial
12 Litigation Unit and that you have reached an agreement. It's
13 not my responsibility to do that.

14 MR. STEIMEL: Yes, sir.

15 THE COURT: It's yours.

16 MR. STEIMEL: Yes, sir.

17 THE COURT: So, has that happened?

18 MR. STEIMEL: Your Honor, I'm relatively new to the
19 probation department. I know that there was an agreement. I
20 know that he has been in contact with the Financial Litigation
21 Unit. I did not personally instruct the defendant to meet with
22 them. If your Honor directs me to, I will do so absolutely.

23 THE COURT: I don't get it. How about the assistant,
24 what do you know about this?

25 MS. HOULE: Your Honor, I have not had any contact

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1 with the Financial Litigation Unit.

2 THE COURT: I don't understand, to be honest. Can you
3 help us out?

4 MR. LEVINE: Your Honor, my understanding from my
5 client is that he did submit some paperwork that he believes
6 was submitted to the Financial Litigation Unit. I actually --

7 THE COURT: I actually don't think it's your fault, so
8 to speak. You know, I know you would do, and Mr. Peralta will
9 do what is appropriate, but I don't understand exactly why the
10 government and probation -- we have two assistant U.S.
11 attorneys here -- why nobody knows what is happening and why it
12 hasn't been accomplished. That's the part I'm having trouble
13 with.

14 MS. HOULE: Your Honor, apologies that we hadn't
15 spoken with the Financial Litigation Unit in advance of this
16 conference. Would it be acceptable to your Honor that we
17 propose to do so now and schedule a further check-in?

18 THE COURT: Do you want to do it right now? We could
19 take an adjournment of this matter. You could make your calls,
20 do whatever you need to do, and then you could then assure me
21 that it is all organized, set-up.

22 MS. HOULE: Certainly.

23 THE COURT: And I am sure defense counsel can help you
24 out if he needs to be on the phone or whatever.

25 MS. HOULE: Thank you, your Honor.

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1 THE COURT: So we will adjourn this proceeding, and
2 then we will resume as soon as you are all ready.

3 (Recess)

4 MS. HOULE: Thank you, your Honor. So we have spoken
5 with the Financial Litigation Unit, and they have received
6 previously financial disclosures from Mr. Peralta, and their
7 office is reviewing those disclosures. They would like to meet
8 with Mr. Peralta this afternoon to determine what his monthly
9 obligation will be. And Mr. Peralta has agreed to that
10 meeting. We're happy to advise the court of the resolution
11 after that meeting.

12 THE COURT: We can do a status conference. Do you
13 want to come back tomorrow? Or next week? It's up to you.

14 MR. STEIMEL: I'm sorry. I have a conflict with
15 tomorrow. I mean I will change it if I absolutely have to.

16 THE COURT: Is next week better?

17 MR. LEVINE: That's fine, your Honor.

18 THE COURT: Next week is OK, counsel?

19 MS. HOULE: Yes. Thank you, your Honor.

20 MR. LEVINE: Yes, your Honor.

21 THE COURT: How is Monday the 20th at ten?

22 MS. HOULE: That's fine for the government.

23 MR. LEVINE: Just checking, your Honor. I think that
24 that should work. Yes, your Honor, that's fine.

25 THE COURT: Great. Thanks. Sorry to be so -- I guess

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1 careful is the word -- but generally speaking, you know, we ask
2 the interns, the law clerks, everybody in chambers to be
3 prepared for a conference and to do all the background that's
4 necessary, and so I like to tie these things down with some
5 precision.

6 MS. HOULE: Understood, your Honor.

7 THE COURT: So I will see you next week.

8 (Adjourned)